

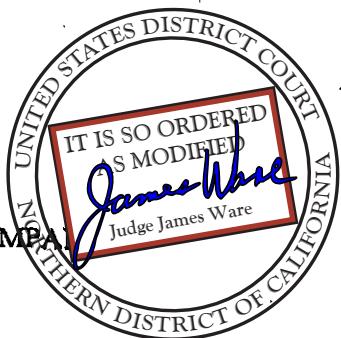
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10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13
 14 SUSAN MEZZETTI,
 15 Plaintiffs,

16 v.
 17 STATE FARM MUTUAL AUTOMOBILE
 18 INSURANCE COMPANY and DOES 1 through
 19 30, inclusive,
 20 Defendants.

21 CASE NO. C04 03022 JW
 22 RELATED CASE: C04 03311 JW

23 STIPULATION AND [PROPOSED]
 24 ORDER TO REVISE THE COURT'S
 25 SCHEDULING ORDER

26 On November 30, 2004, Judge Ware designated *Clewett v. State Farm*, Case No. C04 03311
 27 JW and *Mezzetti v. State Farm*, Case No. C04-3022 JW related. As such, they have identical
 28 Scheduling Orders. All parties, by and through their respective counsel, hereby stipulate to revise
 certain deadlines in the Court's Scheduling Orders as follows:

29 **L
 30 RECITALS**

31 1. The parties have been working diligently toward moving these related cases forward
 32 in an efficient, expeditious manner. The parties have participated in the Rule 26 conferences and
 33 exchanged the information and documents required by Rule 26. The parties have also exchanged
 34 written discovery.

35 2. The parties attended an ENE before Court appointed ENE evaluator, George C.
 36 Fisher of Richey, Fisher, Whitman & Klein, for both matters on September 28, 2005. The case did

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1 | not settle.

3. Defendant State Farm Mutual Automobile Insurance Company ("State Farm") filed
its Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment in the instant
matter and in the related matter of *Clewett v. State Farm* on or about October 27, 2005. Hearing on
the motions took place on November 14, 2005 and the Court took the matters under submission.

6 4. During the hearing on the Motion for Summary Judgment, the Court ordered the
7 parties to participate in a Mandatory Settlement Conference before Magistrate Judge Howard R.
8 Lloyd. The parties have scheduled the Mandatory Settlement Conference for December 19, 2005,
9 which was the earliest mutually available date for all of the parties. The Court also invited the
10 parties to explore a stipulation to modify the most recent scheduling order for this purposes and the
11 parties have so agreed.

12 5. Depending on the outcome of the Mandatory Settlement Conference or the Motion
13 for Summary Judgment, this case could either be terminated or the issues significantly narrowed for
14 discovery and trial. Therefore, the parties stipulate to revise the Court's Scheduling Order to avoid
15 incurring the expense of expert disclosure and other discovery that may not be necessary following
16 the outcome of the Mandatory Settlement Conference or the resolution of State Farm's Motion for
17 Summary Judgment.

18 Accordingly, the parties hereby stipulate to revising the Scheduling Order as follows.

II. **STIPULATION**

The parties hereby stipulate to the following revisions to the court's Scheduling Order:

1.	Mandatory Settlement Conference	December 19, 2005 (remains unchanged)
2.	Disclosure of Expert Witnesses:	January 23, 2006 (currently December 6, 2005);
3.	Rebuttal Expert Disclosure:	February 8, 2006 (currently December 21, 2005);
4.	Deadline to file a motion to exclude an expert or any portion of the expert's testimony:	February 22, 2006 (currently January 2, 2006);

5.	Close of Discovery, including experts:	March 8, 2006 (currently January 20, 2006);
6.	Deadline to file preliminary pretrial and trial conference statement:	March 20, 2006 (currently January 30, 2006);
8.	Preliminary Pretrial Conference:	April 17, 2006 @ 11:00am (currently February 27, 2006).

Dated: 11/22, 2005

LAW OFFICES OF HOWARD G. FRANK

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Attorney for Plaintiff
SUSAN MEZZETTI

Dated: 11/22, 2005

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Dated: 11/22 2005

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STATE FARM MUTUAL AUTOMOBILE
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III. ORDER

25 Pursuant to the parties' stipulation, the Court's September 28, 2005 Scheduling Order is
26 hereby revised as follows:

1.	Mandatory Settlement Conference:	December 19, 2005
3.	Disclosure of Expert Witnesses:	January 22, 2006

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IT IS SO ORDERED:

Dated: Nov. 30, 2005

**HONORABLE JAMES WARE
UNITED STATES DISTRICT JUDGE**

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